

REMARKS

This response is submitted in reply to the Official Action dated November 7, 2005 ("the Action"). Claims 1-27, 39-44, 46-62 and 66-73 are pending in the present application. In the Action, the Examiner required an election of one of the following species:

Species A1: shaping, removing, or patterning of a substrate; or

Species A2: blanket annealing of a substrate.

If Species A1 is elected, the Examiner required that Applicant must further elect from the shape of three-dimensional geometric patterns categorized into the following subspecies:

Subspecies B1: parabolic features

Subspecies B2: curved features

Subspecies B3: lenses features

Subspecies B4: sinusoidal groove features, or

Subspecies B5: different or randomized features.

Applicant hereby elects Species A1 for prosecution. Applicant further elects Subspecies B5 for prosecution. Claims 1-15, 17, 21-27, 39-44, and 46-62 and 66-73 read on embodiments of Species A1 and Subspecies B5. Claims 16 and 18-20 are withdrawn from consideration.

Applicant notes that Species A1 and A2 identified in the Action are not mutually exclusive, as blanket annealing of a substrate in accordance with some embodiments of the invention may be used to "shape, remove or pattern" the substrate. Accordingly, Applicant has presented new claim 75, which is dependent upon Claim 1 and provides that shaping a surface of a semiconductor layer of the light emitting device utilizing a laser comprises blanket annealing the surface utilizing a laser to define three dimensional features in the layer.

Applicant agrees that Subspecies B1-B5 are patentably distinct, and that the unpatentability of claims directed to one Subspecies would not imply the unpatentability of claims directed to other Subspecies.

In re: Matthew Donofrio
Application No.: 10/815,293
Filed: April 1, 2004
Page 11 of 11

In view of the above, Applicants respectfully submit that this application is now in condition for substantive examination, which action is requested.

Respectfully submitted,

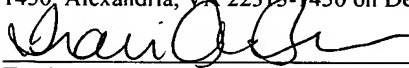


David C. Hall
Registration No. 38,904

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on December 21, 2005.



Traci A. Brown